

Federal Defenders
OF NEW YORK, INC.

Eastern District
One Pierrepont Plaza-16th Floor, Brooklyn, NY 11201
Tel: (718) 330-1200 Fax: (718) 855-0760

David E. Patton
Executive Director and
Attorney-in-Chief

Eastern District
Peter Kirchheimer
Attorney-in-Charge

November 16, 2011

The Honorable Edward R. Korman
Senior United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Joseph Yannai*, CR 10-594 (ERK)

Your Honor:

I write, briefly, at the Court's direction, to respond to Mr. Yannai's letter to the Court dated October 26, 2011.

As Mr. Yannai notes in his letter, I have discussed with him the preparation and filing of a motion for a new trial pursuant to Fed. R. Crim. P.33. The Court has extended the time for the filing of this motion until the date of sentence (no sentence date has been scheduled as the presentence investigation report has not been completed.) I intend to file the motion in a timely fashion, once I have completed my review of the facts and law underlying the request. While I appreciate Mr. Yannai's concern that every day I don't file the motion is an extra day he must spend in *durance vile*, I have told him and am now informing the Court that I will file the motion for a new trial when I can present the best legal and factual support for it.

Thank you for your attention to this matter.

Respectfully submitted,

Michael K. Schneider, Esq.
(718) 330-1161

cc: Clerk of the Court [by ECF]
Mr. Daniel Spector, Assistant U.S. Attorney
Mr. Joseph Yannai